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AUG 18 2004

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/796,900	03/08/2004	Brian A. Russell	40000-000120

20350
 TOWNSEND AND TOWNSEND AND CREW, LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 1656
 FORMALITIES LETTER
 OC000000012932533
 OC000000012932533

Date Mailed: 06/14/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/18/2004 HTECKLU1 00000060 10796900

FILED UNDER 37 CFR 1.53(b)

01 FC:2001 385.00 DA
 02 FC:2202 63.00 DA
 03 FC:2051 65.00 DA

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$63 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$513 for a Small Entity

- \$385 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

08/18/2004 HTECKLU1 00000060 201430 10796900

02 FC:2001 385.00 DA
 03 FC:2051 63.00 DA

- Total additional claim fee(s) for this application is \$63

- \$63 for 7 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/21 (04-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/796,900	
	Filing Date	March 8, 2004	
	First Named Inventor	Russell, Brian A.	
	Art Unit	3617	
	Examiner Name	Unassigned	
Total Number of Pages in This Submission	1	Attorney Docket Number	40000-000120

ENCLOSURES (Check all that apply)

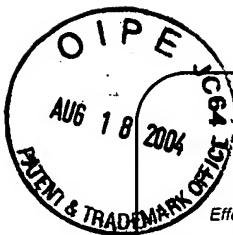
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Return Postcard 2. Executed Declaration and Revised ADS 3. Request for Corrected Filing Receipt and copy of Filing Receipt 4. Copy of Notice of Missing Parts
Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP Roger T. Barrett	Reg. No. 41,599
Signature		
Date	August 16, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Sara B. McPeak		
Signature		Date	August 16, 2004

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**513****Complete if Known**

Application Number	10/796,900
Filing Date	March 8, 2004
First Named Inventor	Russell, Brian A.
Examiner Name	Unassigned
Art Unit	3617
Attorney Docket No.	40000-000120

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	770	2001 385 Utility filing fee	385
		1002	340	2002 170 Design filing fee	
		1003	530	2003 265 Plant filing fee	
		1004	770	2004 385 Reissue filing fee	
		1005	160	2005 80 Provisional filing fee	

SUBTOTAL (1)

(\$385)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims 27 -20** =	7	X\$9 =	\$63
Independent Claims 2 -3** =	0	X\$43 =	\$0
Multiple Dependent		X =	

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
		1202	18	2202 9 Claims in excess of 20
		1201	86	2201 43 Independent claims in excess of 3
		1203	290	2203 145 Multiple dependent claim, if not paid
		1204	86	2204 43 ** Reissue independent claims over original patent
		1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$63)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large	Entity	Small	Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
				1051	130	2051	65	Surcharge - late filing fee or oath	65
				1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
				1053	130	1053	130	Non-English specification	
				1812	2,520	1812	2,520	For filing a request for reexamination	
				1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
				1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
				1251	110	2251	55	Extension for reply within first month	
				1252	420	2252	210	Extension for reply within second month	
				1253	950	2253	475	Extension for reply within third month	
				1254	1,480	2254	740	Extension for reply within fourth month	
				1255	2,010	2255	1,005	Extension for reply within fifth month	
				1401	330	2401	165	Notice of Appeal	
				1402	330	2402	165	Filing a brief in support of an appeal	
				1403	290	2403	145	Request for oral hearing	
				1451	1,510	1451	1,510	Petition to institute a public use proceeding	
				1452	110	2452	55	Petition to revive - unavoidable	
				1453	1,330	2453	665	Petition to revive - unintentional	
				1501	1,330	2501	665	Utility issue fee (or reissue)	
				1502	480	2502	240	Design issue fee	
				1503	640	2503	320	Plant issue fee	
				1460	130	1460	130	Petitions to the Commissioner	
				1807	50	1807	50	Petitions related to provisional applications	
				1806	180	1806	180	Submission of Information Disclosure Stmt	
				8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
				1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
				1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
				1801	770	2801	385	Request for Continued Examination (RCE)	
				1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$65)

SUBMITTED BY**Complete (if applicable)**

Name (Print/Type)	Roger T. Barrett	Registration No. (Attorney/Agent)	41,599	Telephone	303-571-4000
Signature		Date	August 16, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

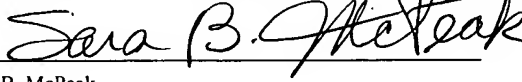
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

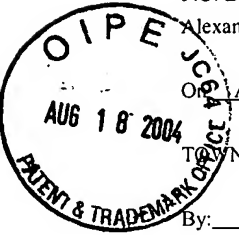
PATENT
Attorney Docket No.: 40000-000120

Commissioner for Patents
Attn: Mail Stop Missing Parts
P.O. Box 1450
Alexandria, VA 22313-1450

On August 16, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: 
Sara B. McPeak



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian A. Russell

Application No.: 10/796,900

Filed: March 8, 2004

For: ENERGY RETURN WHEEL
SYSTEMS AND METHODS

Examiner: Unassigned

Art Unit: 3617

TRANSMITTAL LETTER –
RESPONSE TO NOTICE OF MISSING
PARTS

Attn: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Notice to File Missing Parts of Nonprovisional Application, dated June 14, 2004, enclosed are the following to be made of record in the above-identified application:

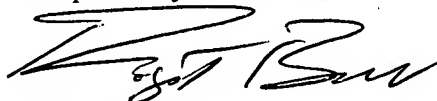
- 1) Executed Declaration and Revised Application Data Sheet
- 2) Request for Corrected Filing Receipt and copy of Filing Receipt
- 3) Copy of Notice of Missing Parts

Please charge Deposit Account No. 20-1430 for the following fees:

Small Entity:	(a)	Filing Fee (§ 1.16(a)) (Small Entity)	\$385
	(b)	Excess Claims Fees (§ 1.16(b), (c)):	
		27 - 20 = 7 x \$9 =	\$63
		2 - 3 = 0 x \$43 =	\$0
	(d)	Missing Parts Surcharge	\$65
		TOTAL FEES TO BE CHARGED	\$513

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in triplicate.

Respectfully submitted,



Roger T. Barrett
Reg. No. 41,599

Customer No. 20350

TOWNSEND and TOWNSEND and CREW LLP
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